



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

August 3, 2012

Mr. Michael Berkoff
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (SRF-6J)
Chicago, Illinois 60604-3507



Dear Mr. Berkoff:

SUBJECT: Comments on the Revised Certification of Completion of the OU4 Remedial Action (Final Construction Completion Report), Allied Paper Inc./Portage Creek/Kalamazoo River Superfund Site, Operable Unit 4 (OU4): 12th Street Landfill

The Michigan Department of Environmental Quality (MDEQ) has received (June 7, 2012) and reviewed the Revised Certification of Completion of the OU4 Remedial Action (Final Construction Completion Report) [CCR] for the 12th Street Landfill, Operable Unit 4 of the Allied Paper Inc./Portage Creek/Kalamazoo River Superfund Site, prepared by Conestoga-Rovers & Associates (CRA) on behalf of Weyerhaeuser NR Company. The MDEQ appreciates the opportunity to assist the United States Environmental Protection Agency (USEPA) by providing comments on the CCR for the 12th Street Landfill.

It does not appear that comments from the MDEQ (March 16, 2012 letter to Mr. Michael Berkoff, enclosed) on the first submittal of the CCR have been addressed. Of most significant note, the CCR still does not contain all necessary components to document completion of construction and completion of the remedial action (RA) as required in the Scope of Work (Appendix E) to the United States of America v. Weyerhaeuser Company Consent Decree, Civil Action No. 1:05CV0003, February 15, 2005. Major omissions to the CCR include a full and complete set of as-built drawings and documentation of the 2007 emergency response action.

The March 16, 2012 comment letter is enclosed with this letter to provide Weyerhaeuser an additional opportunity to address the MDEQ comments and provide an acceptable Certification of Completion of the Remedial Action and Certification of Construction Completion Report.

At this time, the MDEQ does not believe the revised draft of the CCR is fully complete or acceptable for documenting certification of completion of the OU4 RA or documenting certification of completion of the construction completed in 2010/2011. The MDEQ recommends that the USEPA provide these comments to the potentially responsible parties for incorporation into an approvable, final CCR for the 12th Street Landfill site.

As Weyerhaeuser has indicated via email on July 27, 2012 (enclosed) when asked to explain why the MDEQ comments had not been addressed, Weyerhaeuser responded that "The consent order is with EPA and our comments were addressed to EPA as required." It will be necessary for the USEPA to provide specific direction to Weyerhaeuser to address the MDEQ comments on the CCR.

The MDEQ also recommends scheduling a conference call with Weyerhaeuser to discuss the path forward for the CCR and to determine a timeline for resubmittal. Please contact me at your earliest convenience to determine an acceptable date and time for the recommended conference call.

The MDEQ looks forward to assisting the USEPA with this site in the future. If you have any questions regarding these comments and recommendations, please contact me.

Sincerely,



Kristi Zakrzewski, P.E.
Project Manager
Site Assessment and Site Management Unit
Superfund Section
Remediation Division
517-373-2937

Enclosures

cc/enc: Mr. Jeff Keiser, CH2M Hill
Mr. Scott Hutsell, CH2M Hill
Mr. Richard Gay, Weyerhaeuser
Mr. Greg Carli, CRA
Ms. Daria W. Devantier, MDEQ